

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

GRAHAM-FIELD, INC., et al.
Plaintiffs,

v.

TUFFCARE, INC.
Defendants.

CIVIL NO. 98-1396 (DRD)

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DISTRICT COURT
SAN JUAN, P.R.

ORDER

Pending before the Court are Docket Nos. 176, 181, 182 and 185. The Court rules as follows:

<u>Docket #</u>	<u>Date:</u>	<u>Ruling</u>	<u>Title</u>
176	06/10/03	GRANTED-MOOT	Motion Requesting for Extension of Time to Serve New Defendants

Plaintiff, GRAHAM-FIELD, INC., requested an extension of **thirty (30) days** from the date the Court ruled on Docket No. 149 to serve summonses on new Defendants added by Court Order (Docket No. 172). On February 11, 2003 the Court issued an order (Docket No. 153) denying the stay on further discovery requested by Defendants (Docket No. 149). To this date, the motion is moot.

181	07/24/03	GRANTED-MOOT	Motion Requesting for Extension Of Time
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Defendant, E 1 Enterprises notified the Court and Plaintiffs the retention of Dr. Elías Gutierrez as its expert witness. Defendant also requests that a term of **sixty (60) days** be granted in order for said expert witness to submit his written report. The Court suspended proceedings "as is" until termination of mediation (Docket No. 186). To this date, time requested is past due, expert witness report shall be finished. Disclosure to Plaintiff will depend upon mediation outcome. The motion is moot.

182	07/31/03	DENIED-MOOT	Motion Requesting to Strike Defendant's Notice of Expert Witness
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Plaintiff, GRAHAM-FIELD, INC., requests that Defendant's motion for notice of expert witness and extension of time to file expert witness report (Docket No. 181) be strike. Plaintiff's claim that said motion by Defendant was filed out of time in accordance with Court's Order dated an entered on June 26, 2003 (Docket No. 178) which allowed Defendant **fifteen (15) days** to identify an economic expert and **thirty (30) days** to depose said expert from the date the Order was issued.

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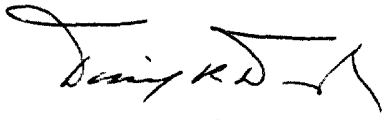
Rule 26(a)(2)(C) provides that time to disclose expert witness testimony to all parties is "ninety days before the trial date or the date the case is to be ready for trial or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under paragraph (2)(B)". The Court suspended proceedings "as is" until termination of mediation (Docket No. 186). To this date, time requested is past due, expert witness report shall be finished and disclosure to Defendants may depend upon mediation outcome. The motion is moot.

185 08/12/03 DENIED Motion to Reconsider

Defendant, E 1 Enterprises requests the Court to reconsider Order to levy sanctions imposed on July 17, 2003 in the amount of \$10,000.00 (Docket No. 179). Motion to reconsider (Docket No. 185) was filed past the ten (10) days granted by Feral Rules of Civil Procedure Rule 59(e). **Motion Denied.**

IT IS SO ORDERED.

Date: December 19, 2003.


DANIEL R. DOMINGUEZ
U.S. District Judge

s/c: parties to be notified via fax.